

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
ACTION AGENDA SUMMARY

DEPT: Public Works *mlm*

BOARD AGENDA # *C-1

Urgent Routine

AGENDA DATE March 18, 2008

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Approval of Purchase Agreement to Acquire Road Right-of-Way for Geer Road at Whitmore Avenue Traffic Signal Project, Parcel Owner Mohamed Mohsin, APN: 018-055-001

STAFF RECOMMENDATIONS:

1. Approve the purchase agreement for the subject acquisition.
2. Authorize the Chairman of the Board to execute the agreement.
3. Direct the Auditor-Controller to make the necessary budget adjustments per the financial transaction sheet.
4. Direct the Auditor-Controller to issue a warrant in the total amount of \$28,600, payable to Fidelity National Title Company, for the purchase amount of \$27,100 and \$1,500 for estimated escrow fees and title insurance.

FISCAL IMPACT:

The estimated total cost for this project is \$2,038,811. The \$28,600 for the purchase of this right-of-way is funded 100% by the Regional Transportation Impact Fee Program (RTIF) and consists of \$27,100 for the purchase of the road easement, \$1,500 for estimated escrow and title insurance fees.

BOARD ACTION AS FOLLOWS:

No. 2008-184

On motion of Supervisor Monteith, Seconded by Supervisor DeMartini

and approved by the following vote,

Ayes: Supervisors: O'Brien, Grover, Monteith, DeMartini, and Chairman Mayfield

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) X Approved as recommended

2) _____ Denied

3) _____ Approved as amended

4) _____ Other:

MOTION:

Christine Ferraro

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No.

DISCUSSION:

In January 2004, the Board of Supervisors approved the Public Works Department Traffic Congestion Relief Program. The Traffic Congestion Relief Program provides for the installation of traffic signals, left turn lanes and related improvements on selected roadways throughout the County.

In June 2004, the Board of Supervisors awarded a contract to RBF Consulting for environmental and engineering services for the Traffic Congestion Relief Project "D". This project consists of intersection improvements at two intersections on Geer Road. The two intersections are Geer Road at Hatch Road and Geer Road at Whitmore Avenue. RBF completed the environmental documents and design for the Geer Road at Hatch Road intersection and construction of this intersection improvement was completed on June 18, 2007.

The Geer Road at Whitmore Avenue project consists of a new traffic signal and additional through lanes and turn lanes that will improve traffic safety and enhance the flow of traffic through this intersection. Installation of safety lighting and shoulder widening will also be completed.

On June 5, 2007, the Board of Supervisors approved the Initial Study/Mitigated Negative Declaration for the Stanislaus County Traffic Congestion Relief Project "A".

To accomplish this project, the County will need to acquire additional right-of-way from the parcel on the southeast corner of Geer Road and Whitmore Avenue. The property owner has agreed to accept the following:

Property Owners	Amount of Compensation	Assessors Parcel Number	Right-of-Way Area
Mohamed Mohsin	\$27,100	018-055-001	829 s.f.

The amount of compensation has been determined to be within the range of just compensation by an independent appraiser hired by the County.

POLICY ISSUES:

The Board should consider if the recommended actions are consistent with its priorities of providing a safe community, a healthy community and a well-planned infrastructure system.

STAFFING IMPACT:

There is no staffing impact associated with this item.

**ATTACHMENTS AVAILABLE
FROM YOUR CLERK**

**AUDITOR-CONTROLLER
BUDGET JOURNAL**



Balance Type	Budget
Category	Budget - Upload
Source	
Currency	USD
Budget Name	LEGAL BUDGET
Batch Name	
Journal Name	
Journal description	Transfer budget to Geer Rd at Whitmore Rd Project
Period	JUL-07 to JUN-08
Organization	Stanislaus Budget Org
	BO#

Line	Coding Structure						Debit		Credit	Description
	Fund 4	Org 7	Account 5	G/L Proj 7	Loc 6	Misc 6	incr appropriations decr est revenue	decr appropriations incr est revenue		
1	1102	40310	72600	9708	0	0	28,600.00			
2	1102	40310	63280	0	0	0		28,600.00		
3	1102	40310	46615	0	0	0	28,600.00			
4	1102	40310	46615	9708	0	0		28,600.00		
5							0			
6							0			
7							0			
8							0			
9							0			
10							0			
11							0			
12							0			
13							0			
14							0			
15							0			
16							0			
17							0			
18							0			
19							0			
20							0			
21							0			
22							0			
23							0			
24							0			
25							0			
Totals							57,200.00	57,200.00		

Transfer budget to Geer Rd at Whitmore Rd Project

Requesting Department		CEO		Auditors Office Only	
Sharon Andrews					
Signature		Signature		Prepared By	
3/6/08		3/17/08		Admin Approval (\$75K+)	
Date		Date		3/8/08	
				Date	

Contact Person & Phone Number

**AUDITOR-CONTROLLER
STANDARD JOURNAL VOUCHER**



BATCH SCREEN

Batch: PW
 Period: Mar-08
 Description: _____

JOURNAL SCREEN

Journal: PW SKA JV
 Category: Correction
 Balance Type: A | A = Actual or E = Encumbrance
 Description: Transfer funds from RTIF to project account Geer Rd at Whitmore Rd
 Control Total: 28,600.00

Line	Coding Structure						Debit	Credit	Description	
	Fund 4	Org 7	Account 5	G/L Proj 7	Loc 6	Misc 6				
1	6400	64100	85850	0	0	0.0	28,600.00			
2	1101	40300	46615	9708	0	0.0		28,600.00		
3						0				
4						.0				
5						.0				
6						.0				
7						.0				
8						.0				
9						.0				
10						.0				
11						.0				
12						.0				
13						.0				
14						.0				
15						.0				
16						.0				
17						.0				
18						.0				
19						.0				
20						.0				
21						.0				
22						.0				
23						.0				
24						.0				
25						.0				
26						.0				
27						.0				
Totals								28,600.00	28,600.00	

Explanation:

Departments Outside Auditors' Office		Auditors Office Only	
SHARON ANDREWS <i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	
Prepared by	Supervisor's Approval	Prepared By	Admin Approval (\$75K+)
3/6/08	3/6/08	3/6/08	3/6/08
Date	Date	Date	Date

Project: Geer Road/Whitmore Avenue
Intersection
Grantor: Mohamed Mohsin
APN: 018-055-001

AGREEMENT FOR ACQUISITION OF PROPERTY

This Agreement for Acquisition of Property is between the County of Stanislaus (County) and Mohamed Mohsin, a single man (Grantor). This Agreement is expressly subject to approval by the County Board of Supervisors.

1. **PROPERTY.**

Grantor agrees to sell to County, and County agrees to purchase from Grantor, on the terms and conditions set forth in this Agreement, the real property interest described in the Road Easement Exhibit attached hereto which is incorporated herein by this reference (the "Property").

2. **DELIVERY OF DOCUMENTS/ESCROW.**

All documents necessary for the transfer of easement rights to the Property shall be executed and delivered by Grantor to the County's designated Acquisition Agent.

This transaction shall be handled through an escrow with Fidelity National Title Company, 3425 Coffee Road #C, Modesto, California 95355 at (209) 529-0231.

3. **PURCHASE PRICE AND TITLE.**

The consideration to be paid by the County for easement rights to the Property is \$27,100.00 dollars (the "Purchase Price") and is segregated as follows:

\$ 5,803.00	Permanent Easement (829 sq. ft.)
\$ N/A	Temporary Construction Easement
\$ 6,632.00	Improvements (829 sq. ft. asphalt paving/parking)
<u>\$14,638.00</u>	Cost-to-Cure Parking (create 7 parking spaces)
\$27,100.00	Total (rounded)

County shall deliver the Purchase Price no later than 45 days after Board of Supervisors approval and after delivery and execution of all necessary transfer documents. Grantor shall convey by Road Easement to County good, marketable and insurable title to the Property interest free and clear of all liens, encumbrances, taxes, assessments and leases recorded and/or unrecorded.

Good, marketable and insurable title to the Property interest shall be evidence by an ALTA extended coverage owner's policy of title insurance ("Title Policy"), with survey

exception if County elects not to obtain an ALTA survey for the Property interest. The Title Policy shall be in the amount of the Purchase Price, showing title to the Property interest vested in County. It shall be a condition precedent to County's obligations under this Agreement that escrow holder is able to issue the Title Policy to County.

County shall pay all costs of any escrow, title insurance, and recording fees incurred in this transaction.

The Grantor agrees that if claims are submitted by lien-holders, the County is hereby authorized to honor such claims and deduct the amount of said claims from the amount to be paid to the property owner. The County will notify the Grantors of any such claims prior to payment.

The Grantor acknowledges that this transaction is a negotiated settlement in lieu of condemnation and agree that the Purchase Price to be paid herein is in full settlement of any claims for compensation or damages that may have arisen, including, but not limited to, attorney fees, pre-condemnation damages, severance damages, business goodwill, or any other claim regarding the acquisition of the Property interest or construction of improvements thereon.

4. PRORATION OF TAXES.

- (a) Taxes shall be prorated in accordance with California Revenue and Taxation Code section 5081 et seq., as of the recordation of the Grant Deed conveying title to County, except that where County has taken possession of the Property, taxes shall be prorated as of the date of possession.
- (b) Grantor authorizes County to deduct from the purchase price any amount necessary to satisfy any delinquent taxes, together with penalties and interest thereon, and any delinquent or non-delinquent assessments or bonds, which are to be cleared from the title to the Property.

5. POSSESSION.

Grantor agrees that immediately upon approval of this Agreement by County, the County may enter upon and take possession of the Property.

6. HAZARDOUS WASTE MATERIAL.

The Grantor hereby represents and warrants that during the period of Grantor's ownership of the Property, there have been no disposals or releases of hazardous substances on, from, or under the Property. Grantor further represents and warrants that Grantor has no knowledge of any disposal or release of hazardous substances, on, from, or under the Property which may have occurred prior to Grantor taking title to the Property interest.

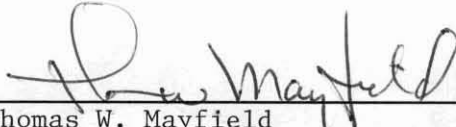
Agreement for Purchase
Mohamed Mohsin / APN: 018-055-001
Page 3 of 3

The Purchase Price of the Property interest reflects the fair market value to the Property without the presence of contamination. If the Property is found to be contaminated by the presence of hazardous substances which requires mitigation under Federal or County law, the Count reserves the right to recover its clean-up costs from those who caused or contributed to the contamination.

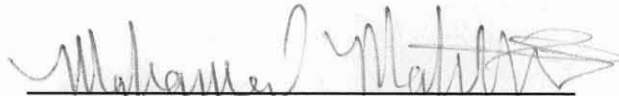
IN WITNESS WHEREOF, the parties have executed this Agreement on MAR 18 2008
as follows:

COUNTY OF STANISLAUS

GRANTOR:



Thomas W. Mayfield
Chairman of the Board of Supervisors



Mohamed Mohsin

ATTEST:
Christine Ferraro Tallman
Clerk of the Board of Supervisors of the
County of Stanislaus, State of California



By: 

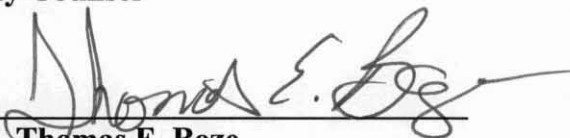
Deputy Clerk

APPROVED AS TO CONTENT:
Department of Public Works



Matthew Machado, Director

APPROVED AS TO FORM:
Michael H. Krausnick
County Counsel

By: 

Thomas E. Boze
Deputy County Counsel

 **COPY**

NO FEE
RECORDING REQUESTED BY: BOARD OF SUPERVISORS
RETURN TO: STANISLAUS COUNTY
DEPARTMENT OF PUBLIC WORKS
1010 10th Street, Suite 3500
Modesto, CA 95354

Road Name: Geer Road/Whitmore Ave
APN: 018-055-001

ROAD EASEMENT

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

Mohamed Mohsin, a single man,

does hereby grant to the COUNTY OF STANISLAUS an easement for public road and highway purposes in the real property in the County of Stanislaus, State of California described as:

SEE EXHIBIT "A"

x 
Mohamed Mohsin

Dated: JAN 10th 2008

APPROVED as to description: _____ Dated: _____


CERTIFICATE OF ACCEPTANCE AND CONSENT TO RECORDATION

This is to certify that the interest in real property conveyed by the deed or grant dated: 01/14/2008

from Mohamed Mohsin to County of Stanislaus, a political corporation and/or governmental agency, is hereby accepted by the undersigned officer or agent on behalf of the Board of Supervisors of the County of Stanislaus, pursuant to authority conferred by resolution of the Board of Supervisors of the County of Stanislaus adopted on 01/01/2008 in accordance with the provision of Government Code Section 27281, and the grantee consents to recordation thereof by its duly authorized officer.

MATTHEW MACHADO, Director, Department of Public Works
of Stanislaus County, State of California

Dated: _____

 **COPY**

GENERAL ACKNOWLEDGMENT

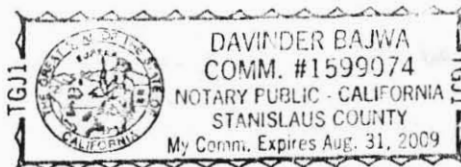
STATE OF CALIFORNIA)
)
COUNTY OF STANISLAUS) ss.

On JAN 10th, 2008, before me, DAVINDER BAJWA, a
Notary Public, personally appeared MOHAMED MOHSIN

_____, who proved to me on the basis
of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within
instrument and acknowledged to me that he/she/they executed the same in his/her/their
authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or
the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the
foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature Davinder Bajwa

(Seal)

1099 OR 511

DOC. 2006-0056974

APN 018-010-024
LANDS OF TURLOCK IRRIGATION
DISTRICT

T.4S.,R.10E.,
MDB&M

SEC 10

SEC 11

P.O.C.

WHITMORE AVE

NORTHWEST CORNER OF SEC 14

SECTION LINE

SEC 15

SEC 14

T.P.O.B.

S89°46'23"E 65.38'

S89°46'23"E 110.00'

25.00'

40.38'

R/W DEDICATION
829 SQ. FT.

N89°33'23"W 96.70'

GEER ROAD

SECTION LINE

N14°40'13"W (R)

2716 OR 422
COUNTY OF
STANISLAUS

2716 OR 422
COUNTY OF
STANISLAUS

APN 018-055-001
DOC. 2003-0037428
LANDS OF MOHSIN

SCALE: 1"=30'

LINE DATA TABLE

NO.	BEARING	LENGTH
L1	S00°15'03"E	20.00'
L2	N00°13'37"E	9.02'
L3	S00°13'37"W	7.67'

CURVE DATA TABLE

NO.	DELTA	RADIUS	LENGTH	TANGENT
C1	15°06'50"	51.00'	13.45'	6.77'

EXHIBIT "B"

SKETCH TO ACCOMPANY A
LEGAL DESCRIPTION FOR
RIGHT OF WAY DEDICATION
APN: 018-055-001
STANISLAUS COUNTY

SHEET 1 OF 1 SHEETS

RBF
CONSULTING

PLANNING ■ DESIGN ■ CONSTRUCTION

500 YGNACIO VALLEY ROAD, SUITE 270
WALNUT CREEK, CALIFORNIA 94596-3847
925.908.1460 • FAX 925.906.1465 • www.RBF.com

FEBRUARY 27, 2008

J.N. 35-100395

EXHIBIT "A"

Revised February 27, 2008
February 22, 2007
JN 35-100395

LEGAL DESCRIPTION
RIGHT OF WAY DEDICATION
APN 018-055-001

That certain portion of land situate the Northwest Corner of Section 14, Township 4 South, Range 10 East of the Mt. Diablo Base and Meridian, County of Stanislaus, State of California, described as follows:

COMMENCING at the Northwest Corner of said Section 14; thence along westerly section line of said Section 14 South 00°15'03" East 20.00 feet; thence leaving said section line South 89°46'23" East 25.00 feet to the most northwesterly corner of the lands of Mohsin as described in Doc. 2003-0037428, recorded in County Recorder's Office of said County; thence along northerly boundary line of the lands of Mohsin (Doc. 2003-0037428) South 89°46'23" East 40.38 feet to the **TRUE POINT OF BEGINNING**, said point also being the northeasterly corner of that westerly parcel described in Book 2716 of Official Records, Page 422, recorded in County Recorder's Office of said County; thence continuing along said northerly boundary line South 89°46'23" East 110.00 feet to the northwesterly corner of that easterly parcel described in Book 2716 of Official Records, Page 422, recorded in County Recorder's Office of said County; thence leaving said northerly boundary line and along the westerly boundary line of said easterly parcel (2716 OR 422) South 00°13'37" West 7.67 feet; thence leaving said westerly boundary line North 89°33'23" West 96.70 feet to the beginning of a tangent curve concave southerly and having a radius of 51.00 feet; thence along said curve westerly 13.45 feet through a central angle of 15°06'50" to the easterly boundary line of said westerly parcel (2716 OR 422); thence non-tangent from said curve and along the easterly boundary line of said westerly parcel (2716 OR 422) North 00°13'37" East 9.02 feet to the **TRUE POINT OF BEGINNING**.

CONTAINING 829 square feet

SUBJECT TO all Covenants, Rights, Rights-of-Way and Easements of record.

EXHIBIT "B" attached and by this reference made a part hereof.




Daniel W. Bustamante, P.L.S. 7030
License Expires September 30, 2008

RBF CONSULTING
500 Ygnacio Valley Road, Suite 270
Walnut Creek, California 94596